

Remarks

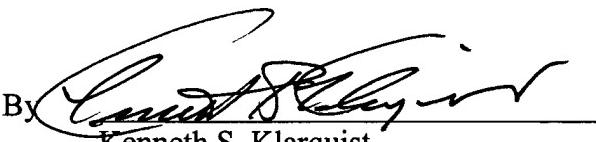
In response to the requirement for information under 37 CFR 1.105, as to the first sale or other public distribution of the claimed plant variety anywhere in the world, catalogs offering the variety 'JACarque' were first distributed in June 2003 in the United States. No sales of the variety occurred in South Africa until August 2003. Neither of these events was more than one year prior to the filing date of the subject application.

Since the plant of the application was not publicly available more than one year prior to the filing of the subject application, neither the publication of the cited application PP3290 nor the published breeders rights grant ZA20022682 is relevant inasmuch as the Examiner tacitly agrees that such publications by themselves are non-enabling. Applicant however wishes to make of record that he does not agree that the existence of a publication describing his rose and its public availability anywhere in the world would enable the publication, i.e., enable anyone sexually to reproduce the rose of the application.

If the Examiner desires any additional information, she is invited to call the undersigned.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By 
Kenneth S. Klarquist
Registration No. 16,445

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 228-9446